

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
September 4, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Joe Carter, Road Supervisor; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Beverly Malyevac, Wayne Benson

CALENDAR REVIEW

9/05 Meeting with Elkhorn Search and Rescue – 4:00
9/06 Meeting with BLM regarding upper Jackson Creek Road – 10:00

COMMISSION REPORTS

Commissioner Weber reported that he met with Tresa Larson from the Department of Revenue and Heather Powers from the Solid Waste Department to clarify some issues about how solid waste assessments get onto pieces of property, most particularly recreational cabins and part-time residences. It was educational for both Tresa and Heather. Commissioner Lythgoe asked if they discussed the percentage of completion on new construction before they are added to the tax rolls. Commissioner Weber stated that they asked for that information. Commissioner Lythgoe stated that he has spoken to someone regarding this, and the state has no set standard for percentage of completion. This is something that we will have to establish. Commissioner Weber asked if we have gotten anything in writing about this. It was stated that we have gotten nothing in writing, and noted that this will be followed up on.

Commissioner Weber reported that he and Commissioner Notbohm met with Jefferson Valley Search and Rescue on Wednesday. Sheriff Doolittle was also in attendance. A lot of the discussion centered on interoperability of the radios. The Sheriff's Office has applied for a grant for new radios that would permit us to reach departments throughout the state with no extra steps. Search and Rescue had requested money for these radios, but it was decided that their match wouldn't be that much, so they were able to cut this amount from their budget.

Commissioner Weber reported that on Friday, he, Tom Harrington and Tim Dimmick from Golden Sunlight Mine were interviewed for a documentary on renewable energy projects, and

more specifically in our case, how we ever imagined to tie a mine into a renewable energy project. He stated that it was a pretty good interview. If we are successful, the documentary will be in the Austin Film Festival.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL – CEDAR HILLS VIEW MINOR SUBDIVISION, AMENDED PLAT LOT 5 – LEVENGOOD MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report for this 5-lot minor subdivision located fourteen miles southwest of Whitehall. The parcel contains 35.85 acres to be divided into five lots ranging in size from 2.50 to 25.84 acres. No new roads are proposed, but approach permits will be required. The developer has contacted the Jefferson Valley Rural Fire Department, and a cash-in-lieu payment will be made. Mike recommended that preliminary plat approval be granted. Commissioner Notbohm asked if there is any need for a recommendation from the Weed Department. Mike stated there is, and this is consistent with standard conditions of approval. Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Notbohm seconded and asked if there are any plans to further subdivide the large lot. Mike stated that he is not aware of any plans to further subdivide.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RESOLUTION 30-2007 RESOLUTION TO CREATE AN AG COVENANT ON THE BATES MINOR SUBDIVISION

Harold Stepper, County Planner, presented the resolution and a plat showing the agricultural covenant on lot C4 of the Bates minor subdivision. It was decided that there was no need to read the resolution out loud. Commissioner Weber stated that the resolution is to create an agricultural covenant on 28.93 acres. The land will only be able to be used for agricultural purposes. Harold Stepper stated that they will also note that the agricultural covenant is noted on the plat. If the owners want to change this at some point in the future, it will need to be jointly decided by the owner and the Commission. Commissioner Lythgoe moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

PUBLIC HEARING – REQUEST TO ANNEX ADJACENT TERRITORY INTO THE JEFFERSON VALLEY RURAL FIRE DISTRICT

Commissioner Weber called the public hearing to order. He stated that the Commission received a petition which has been certified by the Clerk and Recorder. The area to be annexed into the fire district is in township 1 north, range 6 west, sections 16, 17, most of 18, section 7 and 8, and township 1 north, range 7 west, most of section 12 and 13. It is in the very south-west corner of Jefferson County. He then called for comments.

Beverly Malyevac stated that she has one question; she has been paying taxes since 1971 on section 16 and 17. The petition states that those annexed into the fire district will be liable for any outstanding warrants or bonds. She asked if her taxes will be increased, because she has been paying these taxes since 1971. Commissioner Lythgoe stated that if this, in fact, is true, they will not be charged any extra and nothing will change. There are people who aren't in the

district that have been paying and some that are in the district that haven't been paying. Some of the fire districts are working to get this fixed. Beverly stated that Whitehall is aware of this, and noted that she has been paying for all of this time. Commissioner Lythgoe stated that now she will be official.

Wayne Benson stated that he is also in section 16. Up until 1996 were being assessed for rural fire, then designation changed to rural real, and he asked what rural real means. It is the same amount of money on both tax bills. Commissioner Weber stated that he believes that up until 1995, Whitehall and Rural were a combined district. After that, Whitehall Town and the rural district separated. It didn't change the cost, and chances are the same people would come to a fire, but had to district it that way because one is a city fire district and one is a rural fire district. It will now be obvious that they are in the district.

Commissioner Notbohm asked if there are still some people that want to be annexed into the fire district. Commissioner Weber stated that there are, but they are not in this area. He is aware that there are some people working on a petition, but we haven't received anything yet. As far as he knows, these are the only ones that he is aware of.

Hearing no further comments, Commissioner Weber closed the public hearing.

RESOLUTION 31-2007 ANNEXING ADJACENT TERRITORY INTO THE JEFFERSON VALLEY RURAL FIRE DISTRICT

Commissioner Weber read the resolution (on file in the Clerk and Recorder's office)

Commissioner Lythgoe moved to adopt Resolution 31-2007. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON LAND SWAP WITH WAGNERS, CONSIDERING NEW APPRAISAL

Commissioner Weber stated that this item will have to be moved to a future agenda. We have not as yet received a new appraisal. Commissioner Lythgoe stated that he would like to make one statement regarding this item. After the discussion at the previous meeting as to the process that got us to where we are having a public meeting on this item, he thought that it is important to note that the Commission chair has the administrative responsibility to bring an issue forward and to do things to make things happen to get it to a point where it can be agendaized and brought to a meeting where it can be discussed. He thinks that this is what has happened with this agenda item. He doesn't think that anything was decided by anyone before it came to the Commission meeting. He thinks it is the Commission Chair's responsibility to put certain things in place to get it to a point where it can be put on an agenda. Commissioner Weber agreed that it is; he is the one who instructed their assistant to set up the appraisal. Commissioner Notbohm stated that he respectfully disagrees with Commissioner Lythgoe on this. This has been going on for several months and a lot of things have taken place and decisions were evidently made that he thought should have been if you are going to follow any kind of agenda that is consistent with county government. The first time he heard that this land was involved in these dealings was when he saw the appraisals on the assistant's desk. They were not sent through the mail as is

usual. He thinks that there were a lot of steps that were missed on this. He feels that it would have been a lot better climate on this if it had been brought forward sooner. Commissioner Weber noted that the Commission received an e-mail from the second appraiser that land zoned commercially, and he is not qualified to appraise commercial property.

DISCUSS AND DECIDE ON ROAD IMPROVEMENT AGREEMENT WITH ELKHORN GOLDFIELDS

Commissioner Weber stated that before he opens the floor to general discussion, he has, through the efforts of Matt Johnson and Melissa Morris, GIS mapper, been able to do some research on the status of the road. The road itself is a petitioned-for County road. This is one of the cleaner ways to have a county road without dispute. He has a paper trail, the petition, acceptance of the petition, etc., dating back to the 1800s. He will be passing the documents on to Commissioner Lythgoe, as he will be attending the public meetings held by Elkhorn Goldfields. Commissioner Weber then called for comments.

Joe Carter stated that on August 23rd he went up and measured the road in several spots and looked the road over thoroughly. He doesn't see that there will be a problem doing the suggested improvements. There were some spots that they thought would be some trouble, but after measuring, doesn't appear to be so. Commissioner Weber stated that after reviewing documents of the last meeting with Elkhorn Goldfields, doesn't feel that there will be any problems. Appreciates how open Elkhorn Goldfields is being with the public and the residents of Elkhorn. Joe Carter stated that he and the County Attorney have reviewed the documents and they have no changes.

Commissioner Lythgoe stated that it is a fairly lengthy document, and he doesn't feel that it needs to be read at this time. Has been reviewed by the Road Supervisor, the County Attorney and the Commission, and all feel that it is in compliance with what we feel needs to be done. Jan Anderson asked who will be doing the work and who will be paying for it. Commissioner Weber stated that Elkhorn Goldfields will be paying for it, and Bullock Construction has been hired to do the work for the most part. Our Road Department may also be doing some work on the road. Jan stated, for the Commission's information, that there was a scoping petition being circulated at the fair asking if people feel that the County should be improving the road for Elkhorn Goldfields. Commissioner Weber stated that all of the work will not be done at once, but will be done over a period of time, and each step will be a stand-alone improvement. The County will not be expending money for the improvement of this road. This will be a win-win situation for all. Commissioner Lythgoe moved to enter into the road use agreement between Jefferson County, through the Board of Commissioners, and the Elkhorn Goldfields Corporation. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber stated that he would really like to extend his thanks to Elkhorn Goldfields for this, and also for the public forum that they are facilitating to keep the community involved.

APPOINT BOARD MEMBERS

Commissioner Weber stated that we have one application for the Solid Waste Board from Tresa Larson. Commissioner Weber moved to appoint her to the Solid Waste Board. Commissioner Lythgoe seconded. The motion carried.

Commissioner Notbohm stated that he has three applications for the Fair Board, one of which also applied to serve on the Museum Board. Randi Levin is from the north end, where the vacancy is. She has worked with the Fair Board for years, and is very knowledgeable. Commissioner Notbohm moved to appoint Randi Levin to the Fair Board. Commissioner Weber seconded. The motion carried.

Commissioner Notbohm stated that there is also an application from someone from the Whitehall area to serve on the Museum Board. He has not had the opportunity to speak with her yet, so he requested that it be put forward to next week's meeting.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER